

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
NCS PEARSON, INC.,	:
	:
Plaintiff,	:
	:
- against -	:
	:
SAVVAS LEARNING CO., LLC,	:
	:
Defendant.	:
-----X	

21 Civ. 10773 (VM)

ORDER


VICTOR MARRERO, United States District Judge.

On February 8, 2022, consistent with the Court's Individual Practices, counsel for defendant Savvas Learning Company, LLC ("Savvas") sent counsel for NCS Pearson, Inc. ("NCS Pearson") a premotion letter identifying alleged deficiencies in the Complaint (Dkt. No. 1) that Savvas filed in this action, and that allegedly would provide a basis supporting a motion to dismiss. (See Dkt. No. 24-1.) On February 15, 2022, also consistent with the Court's Individual Practices, counsel for NCS Pearson sent a three-page letter in response, opposing the grounds that Savvas stated in favor of the proposed motion. (See Dkt. No. 24-2.) On April 25, 2022 the Court received a letter dated March 22, 2022 from Savvas asserting that the letter exchange did not resolve the dispute and thus failed to avoid motion practice at this stage of the proceedings. (See Dkt. No. 24.) On June 24, 2022, the Court directed Savvas to file a motion to dismiss limited to three pages in length, (see "June 24 Order," Dkt. No. 26), which Savvas did on July 6, 2022. (See Dkt. No. 27.)

In light of recent Second Circuit opinions, the parties are directed to advise the Court whether they consent for the Court to deem the briefing as set forth in the June 24 Order as a fully briefed motion and rule on the basis of the limited briefs, or whether the parties request supplemental or full briefing on Savvas's motion. If the parties request supplemental or full briefing, they shall submit a proposed briefing schedule within one week of the date of this order.

SO ORDERED.

Dated: New York, New York
August 8, 2022



Victor Marrero
U.S.D.J.